

FILING A CLAIM - OVERVIEW

Before you file your claim, you must ask the party you are suing (the “defendant”) for the money. You can do this either orally or in writing. Keeping a written proof provides documentation.

Always sue for a dollar amount. Be prepared to verify and prove the dollar amount of your damages. You can file as many claims as you wish for up to \$2,500, but only two claims in any calendar year for up to \$5,000. However, you cannot sue a guarantor for more than \$4,000 (or \$2,500 if the guarantor does not charge a fee for the service). A guarantor is one who promises to be responsible for the debt or default of another.

To file your claim, you will need to know the correct and complete name of the party you are suing. If you are suing a business, it is important to know whether it is a corporation, partnership, or sole proprietorship.

A small claims court case must also be filed in the proper court, or “venue”, as it is sometimes called. Check the back of the Plaintiff’s Claim for further information or call the Small Claims Advisor.

At the hearing be prepared. Be prepared to tell your story in a brief, concise, logical way and to prove what you say by bringing evidence such as photos, receipts, bills, contracts, or witnesses to support your case. However, numerous exhibits can be confusing and are not recommended. Be sure your exhibits are organized, concise, and will be marked. If you are claiming a service was performed improperly, have either oral or written verification by an expert in that field. For example, if you believe your vehicle was not repaired properly, have a mechanic’s statement to verify that fact. If your claim involves an auto accident, bring at least two written estimates of repair costs.